

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARGARET MIKE, WILLIAM MIKE,
SHANNON MIKE and GEORGETTE
MIKE, individually,

and SHANNON MIKE and GEORGETTE
MIKE as parents and next friends of
A.E.M., A.U.M. and A.A.M., minor children,

Plaintiffs,

v.

No. 12-cv-01215 MV/LFG

TERRY McCOY, STEVEN JACKSON,
DAVE McCALL, MANASSEH BEGAY and
KORY FAULK, individually, and as
Law Enforcement Officers and Employees of
SAN JUAN COUNTY SHERIFF'S DEPARTMENT, and
DEPUTIES AND EMPLOYEES OF SAN
JUAN COUNTY SHERIFF'S DEPARTMENT
WHOSE IDENTITIES ARE UNKNOWN AT THIS TIME

and

WALTER NICKERSON and DAVID KING,
individually, and as Law Enforcement Officers
and Employees of CITY OF FARMINGTON
POLICE DEPARTMENT, and OFFICERS
AND EMPLOYEES OF FARMINGTON POLICE
DEPARTMENT WHOSE IDENTITIES ARE
UNKNOWN AT THIS TIME,

Defendants.

**MOTION FOR SUMMARY JUDGMENT BASED ON QUALIFIED
IMMUNITY AND ON PLAINTIFFS' INABILITY TO SUPPORT CLAIMS**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants Walter Nickerson and David King (collectively, the "Farmington Defendants") move the Court for an Order directing that summary judgment be entered in favor of the Farmington Defendants.

As grounds for this Motion, the Farmington Defendants state:

1. The Plaintiffs cannot support their claims for violation of federal and state law.
2. The Farmington Defendants are entitled to qualified immunity.
3. There are no genuine issues of material fact, and the Farmington Defendants are entitled to summary judgment as a matter of law.
4. The Farmington Defendants are filing an accompanying Memorandum In Support of Motion For Summary Judgment.
5. Due to the nature of this Motion, concurrence was not sought.

For the foregoing reasons, the Farmington Defendants pray for summary judgment in their favor and for such further relief as this Court deems just and proper.

WIGGINS, WILLIAMS & WIGGINS
A Professional Corporation

By /s/ Patricia G. Williams
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I HEREBY CERTIFY that on the 16th day of July 2013,
I filed the foregoing electronically through the CM/ECF system,
which caused the parties or counsel to be served by electronic
means, as more fully reflected on the Notice of Electronic Filing.

WIGGINS, WILLIAMS & WIGGINS, P.C.

By /s/ Patricia G. Williams
Patricia G. Williams